

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
SAVANNAH DIV.
2016 DEC 23 PM 4:20
CLERK C
SO. DIST. OF GA.

WILSON CARSTAFFIN,)
)
Petitioner,)
)
v.) CV416-103
)
JOHN BOYETT,)
)
Respondent.)

ORDER

Wilson Carstaffin is a state prisoner confined at Long State Prison in Ludowici, Georgia, for crimes committed in Fulton County, Georgia. Doc. 1; *see* Georgia Department of Corrections Inmate Locator, <http://www.dcor.state.ga.us/GDC/OffenderQuery/>. He has filed a habeas petition pursuant to 28 U.S.C. § 2254, raising several ineffective assistance of counsel claims. Doc. 1.

He evidently chose to file his § 2254 petition in this judicial district because he is incarcerated in Long County. *See* 28 U.S.C. § 90(c)(5) (Brunswick division). He was convicted, however, in Fulton County, which lies within the Northern District of Georgia. 28 U.S.C. § 90(a)(2). A federal habeas petitioner is allowed to file his petition in either the

district where he was convicted or in the district where he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). Hence, both this Court and the Northern District concurrently have jurisdiction to hear his case.

Nevertheless, it is longstanding judicial policy and practice to funnel such petitions into the district within which the state prisoner was convicted, since that will be the most convenient forum. *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); see *Wright*, 263 F. App'x at 795. That practice also fosters an equitable distribution of habeas cases between the districts. This case is therefore **TRANSFERRED** to the Northern District of Georgia for all further proceedings. See 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice); *Rufus v. Kemp*, 2013 WL 2659983 at * 1 (S.D. Ga. June 12, 2013).

SO ORDERED, this 23rd day of December, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA